

# EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

DYSON, INC. and DYSON TECHNOLOGY  
LIMITED.,

*Plaintiffs,*

v.

SHARKNINJA, INC., OMACRHON ALPHA  
INC., and OMACHRON INTELLECTUAL  
PROPERTY INC.,

*Defendants.*

CASE NO. 2:24-CV-00386-JRG

**JURY TRIAL DEMANDED**



**DECLARATION OF JAY EMERICK IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PLAINTIFFS'  
AMENDED COMPLAINT FOR LACK OF PERSONAL JURISDICTION,  
OR IN THE ALTERNATIVE, MOTION TO TRANSFER PLAINTIFFS'  
INFRINGEMENT CLAIMS UNDER 28 U.S.C. § 1404 (Dkt. 31)**

I, Jay Emerick, declare and state as follows:

1. I am a partner and Kirkland & Ellis LLP, and represent Plaintiffs Dyson, Inc. and Dyson Technology Limited (together, "Dyson") in this litigation as well as the litigations in the District of Massachusetts: *SharkNinja Operating LLC et al. v. Dyson, Inc. et al.*, Case No. 1:23-cv-12372 (D. Mass.) and *SharkNinja Operating LLC et al. v. Dyson, Inc. et al.*, No. 1:24-cv-12130 (D. Mass.). I make this Declaration in support of Dyson's Opposition to Defendants' Motion to Dismiss Plaintiffs' Amended Complaint for Lack of Personal Jurisdiction, or in the Alternative, Motion to Transfer Plaintiffs' Infringement Claims Under 28 U.S.C. § 1404. I have personal knowledge of the facts set forth herein, or I am informed and believe that they are true. If called as a witness, I could and would testify competently as to those facts.

2. To date, all of Defendants SharkNinja, Inc., Omachron Alpha Inc. and Omachron Intellectual Property Inc.'s document productions across all litigations have been electronic.
3. At least some of the accused products are available for purchase at the Walmart in Marshall, Texas. *See* Dkt. 26 ¶ 26.
4. There are Dyson witnesses with relevant information in Chicago including:
  - Lindsay DelMedico - a Marketing Director with information related to the sales and marketing of the accused products.
  - Jon Kellerman - a Competitive Intelligence Analyst with information related to competition and competitor intelligence.
5. SharkNinja, Inc.'s website has listed jobs for testing engineers in Auburn, Alabama.
6. I understand that there are 8 active U.S. District Court Judges in the Eastern District of Texas and 13 active U.S. District Court Judges in the District of Massachusetts.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: September 27, 2023

Respectfully submitted,

/s/Jay Emerick  
Jay Emerick